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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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In re Application of
COEN THEODORUS HUBERTUS
FRANSISCUS LIEDENBAUM
Application No. 10/003,061
Filed: November 2, 2001
For: DISPLAY DEVICE

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

Paper No. 9
MAIL

JUL - 2 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

This is a decision on the Petition to Withdraw Holding of Abandonment based on failure to receive an office action under 37 CFR 1.181(a), filed May 20, 2004. No fee is required.

This application was held abandoned for failure to timely submit a response to the final Office action mailed September 25, 2003. A Notice of Abandonment was mailed April 28, 2004.

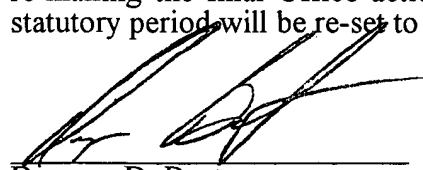
Petitioner alleges that the final Office action was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above. Therefore, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application is being forwarded to the Technology Center's technical support staff for re-mailing the final Office action originally mailed September 25, 2003. The shortened statutory period will be re-set to begin as of the mailing thereof.


Dwayne D. Bost
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Technology Center 2600
Communications